

1
2
3
4
5 Honorable Judge Benjamin H. Settle
6
7

8
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 CLYDE RAY SPENCER, MATTHEW RAY
10 SPENCER, and KATHRYN E. TETZ,

NO. C11-5424-BHS

11 Plaintiffs,

ORDER GRANTING
DEFENDANT MICHAEL
DAVIDSON'S RENEWED
SUMMARY JUDGMENT
MOTION

12 v.

[PROPOSED]

13 FORMER DEPUTY PROSECUTING
14 ATTORNEY FOR CLARK COUNTY
15 JAMES M. PETERS, DETECTIVE
16 SHARON KRAUSE, SERGEANT
17 MICHAEL DAVIDSON, CLARK COUNTY
18 PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE
COUNTY OF CLARK, SHIRLEY
SPENCER, and JOHN DOES ONE
THROUGH TEN,

Defendants.

20 THIS MATTER having come on regularly for hearing on defendant Davidson's
21 renewed motion for summary judgment, and the Court having reviewed the record herein and,
22 to the extent deemed relevant and admissible, reviewed the material submitted by the parties
23 concerning this motion, including:

24 1. Defendant Davidson's Renewed Summary Judgment Motion and the supporting
25 declaration of Jeffrey Freimund (with Exhibits 1 – 10 attached thereto), and the other evidence

26

ORDER GRANTING DEFENDANT DAVIDSON'S

RENEWED SUMMARY JUDGMENT MOTION

[PROPOSED]

C11-5424-BHS

FREIMUND JACKSON TARDIF & BENEDICT GARRATT, PLLC

711 Capitol Way S., Suite 602

Olympia, WA 98501

Telephone: (360) 534-9960

Faxsimile: (360) 534-9959

referenced in defendant Davidson's renewed summary judgment motion, including the declarations of Shirley Spencer (with Exhibit A attached thereto, Docket Nos. 53 and 53-1), Matthew Hanson (with Exhibits A and B attached thereto, Docket Nos. 54 and 54-1), Jeffrey Freimund (with Exhibits 1-26 attached thereto, Docket Nos. 63 and 63-1 through 63-26), Sharon Krause (with Exhibits 1-6 attached thereto, Docket Nos. 64 and 64-1 through 64-6), James Peters (Docket No. 69), and Patricia Fetterley (with Exhibits 1-4 attached thereto, Docket Nos. 70 and 70-1 through 70-4);

2. Plaintiffs' Response to Defendant Davidson's Renewed Summary Judgment Motion, if any; and

3. Defendant Davidson's Reply in Support of Renewed Summary Judgment Motion;
and being fully advised, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Davidson's renewed motion for summary judgment is granted and all claims against defendant Davidson are hereby dismissed with prejudice.

U. S. DISTRICT JUDGE BENJAMIN H. SETTLE

Presented by:

Presented by:
s/Jeffrey A. O. Freimund

JEFFREY A. O. FREIMUND, WSBA No. 17384
Freimund Jackson Tardif & Benedict Garratt, PLLC
711 Capitol Way South, Suite 602
Olympia, WA 98502
Telephone: (360) 534-9960
Fax: (360) 534-9959
jeffF@fjtlaw.com
Attorney for Defendant Michael Davidson

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2013, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Douglas H. Johnson, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer
dhjohnson43@aol.com
Kathleen T. Zellner, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer
kathleen.zellner@gmail.com
Daniel T. Davies, Attorney for Plaintiff Clyde Ray Spencer
dandavies@dwt.com
Daniel J. Judge, Attorney for Defendant James M. Peters
danielj@atg.wa.gov
Patricia C. Fetterly, Attorney for Defendant James M. Peters
Patriciaf1@atg.wa.gov
Guy Bogdanovich, Attorney for Defendant Sharon Krause
gbogdanovich@lldkb.com

s/Janice Flaherty
JANICE FLAHERTY
Legal Assistant to
JEFFREY A. O. FREIMUND, WSBA No. 17384
Freimund Jackson Tardif
& Benedict Garratt, PLLC
711 Capitol Way South, Suite 602
Olympia, WA 98502
Telephone: (360) 534-9960
Fax: (360) 534-9959
jeffF@fjtlaw.com
Attorney for Defendant Michael Davidson